



State Ethics Commission of Georgia

ADVISORY OPINION NO. 1994-29
February 11, 1994

SUBJECT: ACCEPTING CONTRIBUTIONS FOR ELECTIONS BEYOND THE NEXT FOLLOWING ELECTION

REAL OR HYPOTHETICAL SET OF CIRCUMSTANCES:

A candidate for public office who will be on the ballot in the 1994 General Primary wants to accept before the primary contributions that are designated as contributions for the general election.

O.C.G.A. § 21-5-45 provides that:

The limitations on contributions imposed by this Article shall apply separately with respect to each election; provided, however, that no contribution whatsoever may be made to a candidate for public office for an election other than a general primary if such candidate will not be on the ballot at such election other than a general primary.

May the candidate accept contributions designated as general election contributions even before the general primary if the contributions so designated are deposited in a separate account and no expenditures are made from such account unless and until the candidate earns the right to be on the ballot at the next succeeding election?

ADVISORY OPINION

Since the law specifically says “that no contribution whatsoever may be made” [except for a general primary]...if [the] candidate will not be on the ballot... it is clear that a candidate must emerge from the primary, having earned the right to be on the ballot at the next election before any “contribution whatsoever may be made”. Earning the right to be on the next ballot is a condition precedent to the right to accept a campaign contribution for such next ballot.